

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SCOTT A. SAMFORD, JR.,
TDCJ #835644,

Plaintiff,

V.

ASSISTANT WARDEN C.S.
STAPLES, *et al.*,

Defendants.

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CIVIL ACTION NO. H-06-0279

ORDER OF DISMISSAL

Plaintiff Scott A. Samford, Jr., a state inmate proceeding *pro se* and *in forma pauperis*, filed this civil rights action under 42 U.S.C. § 1983. Samford has not responded to a Court order entered on February 2, 2006, directing him to file a more definite statement of his claims within thirty days. (Doc. #5). The Court's order specifically provided that the plaintiff's "[f]ailure to comply as directed may result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure without further notice." To date, the plaintiff has neither responded to the Court's order, nor otherwise attempted to comply.


The plaintiff's failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a district court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *see also Larson v. Scott*, 157 F.3d 1030 (5th Cir.

1998) (noting that a district court may dismiss an action *sua sponte* for failure to prosecute or to comply with any court order).

Accordingly, it is **ORDERED** that this action is **DISMISSED** without prejudice for want of prosecution.

The Clerk shall provide a copy of this order to the parties.

SIGNED at Houston, Texas, on **March 29, 2006**.



Nancy F. Atlas
United States District Judge